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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/311,942	09/26/94	HANNEREN DOUGHER	555R6

21M1/1002

TOD R NISSLE
7150 EAST CAMELBACK ROAD
SUITE NO 245
SCOTTSDALE AZ 85251

EXAMINER	
2102	
ART UNIT	PAPER NUMBER
2102	6

DATE MAILED: 10-02-95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☑ Responsive to communication filed on 8-1-95 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____.

Part II SUMMARY OF ACTION

1. ☑ Claims 1-5 are pending in the application.
   Of the above, claims 1, 2 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☑ Claims 3-5 are rejected.
5. ☐ Claims _____ are objected to.
6. ☑ Claims 1, 2 are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____. has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____.
13. ☐ Since this application apppears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev. 2/93)

1. This supplemental first office action is being sent out in order to provide the Applicant with sufficient time to respond. Given that the Lautner reference ('427) was not received by the Applicant in a timely manner, the response time is being restarted arbitrarily by the Office. A repeat of the first office action follows, there are no changes.

2. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1 and 2, drawn to A METHOD OF MANUFACTURING A DYNAMOELECTRIC MACHINE, classified in Class 29, subclass 596.

II. Claims 3-5, drawn to AN INDUCTION MOTOR, classified in Class 310, subclass 183.

3. The inventions are distinct, each from the other because of the following reasons:

4. Inventions of Group I and of Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case the product as claimed can be made by a materially different process. For example the inner and outer stator components could be integral and stamped out of a sheet of their composite material, stacked together, with the

bobbin component of said integral inner and outer stator stack being comprised of two pieces snapped together or otherwise adhered.

5. During a telephone conversation with Mr. Tod Nissle on May 31, 1995 a provisional election was made without traverse to prosecute the invention of Group II, claims 3-5. Affirmation of this election must be made by applicant in responding to this Office action. Claims 1 and 2 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

7. The disclosure is objected to because of the following informalities: on page 4, line 18, the language "an the inner portion" should probably read "an inner portion". Appropriate correction is required.

8. Claims 3-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In paragraph (ii) of each claim "the

inner portion" has no antecedent basis. Additionally, the language "an the inner portion" is not grammatically correct.

9. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

10. Claims 3-5 are rejected under 35 U.S.C. § 103 as being unpatentable over Lautner (US 3,609,427) in view of Lee (WIPO 93/08631). Lautner shows (figs. 1, 2 and 4) inner (13) and outer (12) stator components. Said inner stator component has two bobbins (20) surrounding it. Said bobbins have windings (35) on them. In the center of his device is an armature shaft (45). His rotor structure is not shown, which he notes in column 3, lines 26-29. He notes that both stator components (12, 13) are layered, i.e. stacked, see col. 2, lines 16-18. He shows copper shading coils (14) on the pole tips (15) of his inner stator (13). He does not show reluctance gaps. The intended ratio of

the armature diameter to the width of the stator portions is unknown. Lee shows (fig. 1) outer (1) and inner (toothed portion, not explicitly numbered) stator components which are laminations (see p. 3, lines 1 and 2). He further shows a rotor which surrounds a rotor shaft (12). He shows a plurality of air gaps (reluctance gaps, 8 to 11) spaced 90^0 apart on his inner stator component. He doesn't show bobbins, shaded coils or pairs of reluctance gaps. The intended ratio of the armature diameter to the width of the stator portions is unknown. It would have been obvious to one of ordinary skill in the art to employ reluctance gaps of some sort in the device of Lautner at the time that invention was made, as are shown being employed by Lee, in order to facilitate smooth rotation, as is well known in the art. Said location of gaps is regarded as arbitrary employment of a known method of facilitating rotation. The ratio of the armature diameter to the width of the stators is regarded as completely arbitrary which is based on design requirements particularly as the Applicant cites no specific advantage of said ratio in the disclosure.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining prior art cited reads on some aspect or aspects of the Applicant's claimed invention.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Dougherty whose telephone number is (703) 308-1628.

Thomas M. Dougherty

TMD

TMD
September 28, 1995

THOMAS M. DOUGHERTY
PRIMARY EXAMINER
GROUP 2100